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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed November 17, 2004. In the Office Action, the Examiner notes that claims 1-28 are pending and rejected. By this response, claims 1, 7, 15, 19 and 28 have been amended. The amendments to the claims are fully supported by the claims as originally filed and by the Specification. For example, the amendments to the claims are supported at least by originally filed claims 7 and 19, and by page 9, line 29, through page 10, line 7, of the Specification. Thus, no new matter has been added, and the Examiner is respectfully requested to enter the amendments to the claims.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103. Further, the Applicants have addressed the Examiner's Priority, Inventorship and Double Patenting Rejections.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Rejections**Priority**

The Examiner alleges that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120. The Examiner concludes that the instant application is a continuation-in-part, rather than a continuation, of parent patent application Serial No. 08/993,904. The Applicants respectfully disagree.

In particular, the Examiner alleges that the present application "repeats a substantial portion of prior Application No. 08/993,904, filed 18 December 1997, and adds additional disclosure not presented in the prior application." The Examiner further

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"notes that the additional disclosure was objected to as being 'new matter' in the parent application (08/993,904) and was not entered."

However, while it is true that the Examiner objected to 'additional disclosure' in the 08/993,904 application, the objection was obviated by the Applicants in a response filed on 8/13/02 in the same application. Specifically, the Examiner's objection was obviated in the response filed on 8/13/02 by (i) pointing out that the 'additional disclosure' was filed in a Preliminary Amendment included at the time of original filing of the Application, (ii) changing the 08/993,904 Application to a continuation-in-part of Application No. 08/630,397 (now U.S. Patent No. 5,999,970), and (iii) filing a new Declaration along with the response filed on 8/13/02 in that application.

Furthermore, it is believed there is no basis for not entering the additional disclosure in the 08/993,904 application because the additional disclosure was filed at the time of original filing of the 08/993,904 application, and thus would not be new matter in regards to the 08/993,904 application.

Thus, it is believed that application no. 08/993,904 is properly considered a continuation-in-part of Application No. 08/630,397 (U.S. Patent No. 5,999,970). Furthermore, it is therefore also believed that the present application is properly considered a continuation of the 08/993,904 application, and that all of the disclosure of the present application, as originally filed, should be given the priority date of December 18, 1997.

Inventorship

The Examiner notes that there is an inventorship discrepancy as between the instant application and application 08/630,397 (now U.S. Patent 5,999,970) to which the Applicants claim priority. In response, the Applicants submit that this issue was properly addressed in the parent application, Application No. 08/993,904, on page 7 of the response filed on 8/13/02. It is believed that the comments filed on 8/13/02 in the 08/993,904 Application remain valid, and therefore the inventive entity of the present application is believed to be correct as originally filed.

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Double Patenting

The Examiner has rejected claims 1-28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12, 14-24, 28 and 29 of U.S. Patent 5,999,970. The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other, because the instant application claims are inclusive in that the claimed subject matter is the same only in broader scope.

In response, upon indication of allowable subject matter, the Applicants will file a Terminal Disclaimer in compliance with 37 CFR 1.321(c), if the double patenting rejection still applies to the allowable subject matter. As such, the Applicants respectfully request that the obviousness-type double patenting rejection be held in abeyance.

35 U.S.C. §102**Claims 1, 2, 5, 8-10, 13, 15, 17, 20-22, 25, 26 and 28**

The Examiner has rejected claims 1, 2, 5, 8-10, 13, 15, 17, 20-22, 25, 26 and 28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,572,517 to Safadi (hereinafter "Safadi"). The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 recites (emphasis added below):

"1. An access system for providing interactive access to information available from an information source through a television distribution system which includes:

a television distribution network having a network headend, a plurality of terminal ends, a plurality of upstream channels, and a plurality of downstream channels, each downstream channel for carrying a television transmission;

headend distribution equipment interfaced to the network headend of the television distribution network for distributing the television transmissions over the respective downstream channels of the television distribution network; and

a plurality of terminals, each terminal being interfaced to a terminal end of the television distribution network for receiving the television transmissions over the respective downstream channels of the television distribution network, each terminal also being interfaced to a display device for displaying a selected one of the television transmissions;

the access system comprising:

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an input device associated with one of the terminals for inputting into the terminal a command for information from the information source;

an upstream transmitter associated with the terminal and interfaced to the respective terminal end of the television distribution network for transmitting the inputted command on an upstream channel of the distribution network;

a headend server associated with the headend distribution equipment, the headend server being interfaced to the information source, the headend server comprising a graphics processor for converting a graphics portion of the information from the information source from a first graphic form to a second graphic form, wherein the second graphic form has a display size adapted for to be compatible with the display device;

an upstream receiver associated with the headend distribution equipment and interfaced to the headend server for receiving the inputted command on the upstream channel of the distribution network and for forwarding the received command to the headend server, the headend server transmitting a command based on the forwarded received command to the information source, the information source transmitting the information to the headend server in response to the command transmitted to the information source;

a data encoder associated with the headend distribution equipment, the data encoder being interfaced to the headend server for receiving the information from the headend server and for encoding the received information into at least one of the television transmissions; and

a data decoder interfaced to the terminal for decoding the encoded information from the television transmissions, the decoded information being displayed on the display device."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Safadi reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Specifically, the Safadi reference fails to teach or suggest at least the "a graphics processor for converting a graphics portion of the information from the information source from a first graphic form to a second graphic form, wherein the second graphic form has a display size adapted for to be compatible with the display device" as recited in the claim as amended.

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Safadi discloses an access control system which works with a set top terminal to determine the best access method for transmitting signals upstream from the terminal. However, as the Examiner acknowledges, "Safadi is silent on teaches a graphics processor to convert the signals." (page 9, 11/17/04 office action) Furthermore, Safadi also does not teach or suggest a graphics processor to convert a graphics portion of the information from a first graphic form to a second graphic form wherein the second graphic form is adapted to be compatible with the display device. Moreover, Safadi does not teach or suggest a graphics processor which is part of a headend server associated with headend distribution equipment.

As such, the Applicants submit that independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Moreover, independent claims 15 and 28 contain substantially similar relevant limitation as those discussed above in regards to claim 1. Therefore, the Applicants submit that independent claims 15 and 28 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2, 5, 8-10, 13, 17, 20-22, 25 and 26 depend, either directly or indirectly, from independent claims 1 and 15 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 3, 4 and 16

The Examiner has rejected claims 3, 4 and 16 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of U.S. Patent 5,375,160 to Guidon et al. (hereinafter "Guidon"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as

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a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Safadi and Guidon references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above in regards to the 35 U.S.C. §102 rejection, the Safadi reference fails to teach or suggest the Applicants' invention as a whole, as recited in claims 1 and 15.

Furthermore, the Guidon reference fails to bridge the substantial gap between the Safadi reference and the Applicants invention as recited in claims 1 and 15. Guidon discloses a telecommunications device which provides telecommunications device for the deaf (TDD) services for the hearing impaired as well as other closed-captioning services. Guidon discloses the telecommunications device has a display processor which is involved with integrating closed captions into a video stream as follows (emphasis added below):

"In the preferred embodiment, the TV tuner 10 is an integrated circuit module from the ALPS Corporation. Output line 12 is coupled into an analog video processor 14 which slices VBI and sync data from the composite video signal for use by the digital decoder and display processor 30, and integrates caption or TDD data into the video stream, all discussed in more detail hereinbelow. The digital decoder and display processor 30 receives the caption data and sync signals from the analog video processor 14 and routes synchronized pixel information representative of the caption or TDD data back into the video stream." (column 3, lines 56-67)

However, Guidon does not teach or suggest a graphics processor which is capable of converting a graphics portion of the information into a graphic form having a display size which is adapted to be compatible with a display device. Instead, the display processor is involved with manipulating text into a pixel form to integrate it with a video display. Furthermore, Guidon does not teach a graphic processor which is part of a headend server associated with headend distribution equipment.

As such, the Applicants submit that independent claims 1 and 15 and dependent claims 3, 4 and 16 which depend directly or indirectly from independent claims 1 and 15 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable

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thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 6 and 18

The Examiner has rejected claims 6 and 18 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of U.S. Patent 5,761,602 to Wagner et al. (hereinafter "Wagner"). The Applicants respectfully traverse the rejection.

As discussed above, the Safadi reference fails to teach or suggest the Applicants' invention as a whole, as recited in claims 1 and 15.

Furthermore, the Wagner reference fails to bridge the substantial gap between the Safadi reference and the Applicants invention as recited in claims 1 and 15. Wagner discloses a hybrid multichannel data transmission system utilizing a broadcast medium. However, Wagner also does not disclose a graphics processor, which is part of a headend server associated with headend distribution equipment, for converting a graphics portion of the information from the information source from a first graphic form to a second graphic form which is adapted for display on the display device.

Therefore, the combined references fail to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claims 1 and 15 and dependent claims 6 and 18 which depend directly or indirectly from independent claims 1 and 15 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 7, 14, 19 and 27

The Examiner has rejected claims 7, 14, 19 and 27 U.S.C. §103(a) as being unpatentable over Safadi in view of U.S. Patent 5,485,197 to Hoarty (hereinafter "Hoarty"). The Applicants respectfully traverse the rejection.

As discussed above, the Safadi reference fails to teach or suggest the Applicants' invention as a whole, as recited in claims 1 and 15.

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Furthermore, the Hoarty reference does not bridge the substantial gap between the Safadi reference and the Applicants' invention. Specifically, the Hoarty reference discloses an interactive home information system for providing interactive cable television services to a plurality of subscribers. The Examiner states that "Hoarty teaches a modulator card (fig. 14, label 141) for converting the transmitted information to a compressed stream (11:16 – 37)." In the section cited by the Examiner, Hoarty discloses (emphasis added below):

"The structure of digital MMC and modulator cards 141 and 142 shown in FIG. 14 is similar to that of the analog cards in FIG. 12. The TV tuner and graphics digital-to-analog converter outputs are mixed as in FIG. 12. Instead of decompressing the digital video source before feeding it to the mixer module 121d, however, the compression here is maintained and sent directly to MPEG mixer 144a as MPEG source 2. The analog output of mixer 121d is compressed by compression encoder 144, which also receives the MTS audio output. The output of the compression encoder serves as source 1 input to MPEG mixer 144a. This MPEG output is then sent to encoder 143 and modulator 124. The MPEG mixing in block 144a is achieved by recognizing that the graphics overlay data from digital-to-analog converter 121c provides video content that does not change rapidly, and therefore can be implemented by causing the mixer to affect only the I-frame picture elements in the MPEG compression scheme with respect to the overlay content. (MPEG's compression scheme is described in "C-Cube CL450 Development Kit User's Guide," dated Dec. 14, 1992, Chapter 2, available from C-Cube Microsystems, Milpitas, Calif., which is hereby incorporated herein by reference.) The MPEG mixer 144 includes an arrangement for providing the source 1 MPEG-encoded digital signal to a buffer; an arrangement for extracting from the source 2 digital signal I-frame picture elements to be overlayed; and an arrangement for overlaying the I-frame picture elements from the source 2 digital signal onto the corresponding regions of the I-pictures of the source 1 digital signal. The other picture types of the source 2 signal are not permitted by the mixer to modify portions of the I-picture that have resulted from the mixing."

However, Hoarty does not teach or suggest a graphics processor which converts a graphics portion of information from a first graphic form to a second graphic form which is adapted to have a display size which is compatible with the display device. Instead, in the above-recited section of Hoarty, there is only disclosed mixing of a graphic overlay with an MPEG signal. Thus, Hoarty does not disclose converting a graphics portion of information into graphic form having an adapted display size.

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Therefore, the combined references fail to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claims 1 and 15 and dependent claims 7, 14, 19 and 27 which depend directly or indirectly from independent claims 1 and 15 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 11 and 23

The Examiner has rejected claims 11 and 23 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of U.S. Patent 5,581,555 to Dubberly et al. (hereinafter "Dubberly"). The Applicants respectfully traverse the rejection.

As discussed above, the Safadi reference fails to teach or suggest the Applicants' invention as a whole, as recited in claims 1 and 15.

Furthermore, the Dubberly reference does not bridge the substantial gap between the Safadi reference and the Applicants' invention. Specifically, the Dubberly reference discloses a broadband communications system for coupling telephony or other digital networks to a CATV network. However, Dubberly also does not teach or suggest a graphics processor, which is part of a headend server associated with headend distribution equipment, for converting a graphics portion of the information from the information source from a first graphic form to a second graphic form, wherein the second graphic form has a display size adapted to be compatible with the display device.

Therefore, the combined references fail to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claims 1 and 15 and dependent claims 11 and 23 which depend directly or indirectly from independent claims 1 and 15 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

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Claims 12 and 24

The Examiner has rejected claims 12 and 24 under 35 U.S.C. §103(a) as being unpatentable over Safadi in view of U.S. Patent 5,309,514 to Johnson et al. (hereinafter "Johnson"). The Applicants respectfully traverse the rejection.

As discussed above, the Safadi reference fails to teach or suggest the Applicants' invention as a whole, as recited in claims 1 and 15.

Furthermore, the Johnson reference does not bridge the substantial gap between the Safadi reference and the Applicants' invention. Specifically, the Johnson reference discloses a pulse generator for generating pulses for modulation onto a carrier or subcarrier of a composite television signal. However, Johnson also does not teach or suggest a graphics processor, which is part of a headend server associated with headend distribution equipment, for converting a graphics portion of the information from the information source from a first graphic form to a second graphic form, wherein the second graphic form has a display size adapted to be compatible with the display device.

Therefore, the combined references fail to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claims 1 and 15 and dependent claims 12 and 24 which depend directly or indirectly from independent claims 1 and 15 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, the Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. The Applicants further submit that the Applicants have addressed the Examiner's double patenting rejections and they should be withdrawn. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/17/05

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